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PATENT
Attorney Docket No.: A6378/T45500

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Assistant Commissioner for Patents
Washington, D.C. 20231

On

August 8, 2002
TOWNSEND and TOWNSEND and CREW LLP

Christa A. Marumae

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KARTHIK JANAKIRAMAN et al.

Application No.: 10/057,280

Filed: January 25, 2002

For: GAS DISTRIBUTION
SHOWERHEAD

Examiner: David Nhu

Art Unit: 2818

RESPONSE TO OFFICE ACTION
mailed July 24, 2002

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8-27-02

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Assistant Commissioner for Patents
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Sir:

The office action mailed July 24, 2002 in the above-referenced patent application included a restriction requirement between the following groups of claims:

✓ Group I: claims 1-18 and 28-29 drawn to apparatuses for forming material on a semiconductor wafer; and

Group II: claims 19-27 drawn to methods of distributing gas during a semiconductor fabrication process.

In response to this restriction requirement and pursuant to 37 C.F.R. §1.143, applicants hereby request reconsideration and withdrawal of the restriction requirement for the reasons given below, thereby preserving the right to later file a petition for withdrawal of the restriction requirement. Specifically, it is respectfully asserted that restriction is improper in this case because (A) the claimed process cannot be practiced by another materially different apparatus, and (B) the apparatus cannot be used to practice another and materially different process. Claim 1, which is representative of other pending apparatus claims, recites:

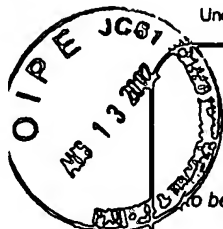
1. An apparatus for forming a material on a semiconductor wafer, the apparatus comprising:
 - a processing chamber defined by walls;
 - a wafer support positioned within the processing chamber and configured to receive a semiconductor wafer;
 - a processing gas supply; and

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Approved for use through 10/31/2002. OMB 0651-0031

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FORM

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Application Number	10/057,280
Filing Date	January 25, 2002
First Named Inventor	Janakiraman, Karthik
Group Art Unit	2818
Examiner Name	David Nhu
Attorney Docket Number	A6378/T45500
Total Number of Pages in This Submission	1

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Kent J. Tobin	Reg. No. 39,496
Signature		
Date	August 8, 2002	

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a gas distribution showerhead overlying and separated from the wafer support, the gas distribution showerhead comprising a face plate having an inlet portion comprising a hole in fluid communication with an elongated slot of an outlet portion of the face plate. (Emphasis added)

Independent process (method) claim 19 recites:


2. A method of distributing gas during a semiconductor fabrication process comprising:
flowing a gas from a gas source to an inlet portion of a gas distribution face plate featuring a hole having a width; and
flowing the gas from the hole to a surface of a semiconductor wafer through an elongated slot of an outlet portion of a gas distribution face plate. (Emphasis added)

The apparatuses of the pending claims of the present invention are for use in forming a semiconductor material, and recite a plate including an elongated slot. These apparatus claims cannot be utilized to practice any method other than as described in claim 19, wherein gas is flowed through an elongated slot. Similarly, the method claims of the present invention recite flowing gas through an elongated slot during a semiconductor fabrication process. This method claim cannot be practiced using an apparatus materially different from the claimed apparatus, which includes a plate having an elongated slot.

Based upon the above, Applicants hereby traverse the restriction requirement and request reconsideration of the Examiner's decision. Applicants recognize that a provisional election of the claims must be made even though a restriction requirement is to be traversed. Accordingly, Group I claims 1-18 and 28-29 are hereby provisionally elected, and Group II claims 19-27 are canceled without prejudice to filing a petition from this restriction requirement under 37 C.F.R. §1.144, in the event that the restriction is maintained by the Examiner. Claims 19-27 are also canceled without prejudice to filing of divisional applications directed thereto.

If the Examiner believes that a telephone conference would aid in the prosecution of this case in any way, please contact the undersigned at 650 326-2400.

Respectfully submitted,



Kent J. Tobin
Reg. No. 39,496